IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No.815 of 1999(A)

C.C.NO.623/1996 OF THE COURT OF THE JUDICIAL I CLASS MAGISTRATE, VARKALA.

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PETITIONER/P.W.1:-

SUDARSANAN, SON OF PURUSHOTHAMAN,
CHARUVILA HOUSE, PUTHENCHANTHA, VARKALA.

BY ADV. SRI.K.S.SAJEEV KUMAR
SRI.C.JAYACHANDRAN

RESPONDENTS/ACCUSED NO.2 & STATE:-

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1. VIMAL KUMAR, SON OF PUSHKARAN,
MAVILAPUTHEN VEEDU, VETTOOR VILLAGE, VARKALA.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.SIBY MATHEW
SRI.WILSON URMESE.

R2 BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.Bali,C.J.

Crl.R.P.No.815 of 1999-A

Dated, this the 22nd day of November, 2006

ORDER

V.K.Bali,C.J. (Oral)

Out of two accused tried under Sections 448, 427, 506 (ii) and 294(b) read with Section 34 of Indian Penal Code, one was acquitted whereas the other was convicted. The 1st respondent, Vimal Kumar, out of two, is the one who was acquitted. It is against this acquittal that the present revision has been filed.

2. Heard learned counsel for the parties and with their assistance examined the records of the case. The findings of acquittal recorded by the learned Magistrate are justified and are in view of the evidence led by the prosecution. The view taken by the Magistrate could be possible and if that be so, it is the settled position that an order of acquittal cannot be converted into an order conviction. No merits. Dismissed.

V.K.Bali
Chief Justice

vku/-